

State Water Resources Control Board

March 8, 2019

Mr. Andrew J. Pandol, Safety Manager
M&L Cold Storage WS- 1503653
33150 Pond Road
Delano, CA 93215

**COMPLIANCE ORDER NO. 03_12_19R_006
1,2,3-TRICHLOROPROPANE (1,2,3-TCP) MAXIMUM CONTAMINANT LEVEL VIOLATION
FOR 2nd Quarter 2018 Through 4th Quarter 2018**

Dear Mr. Pandol:

Enclosed is Compliance Order No. 03_12_19R_006 (hereinafter "Order") issued to the M&L Cold Storage Water System (hereinafter "Water System") public water system. **Please note there are legally enforceable deadlines associated with this Order starting on page 4 of the Order.**

The Water System will be billed at the State Water Resources Control Board's (hereinafter "State Water Board") hourly rate for the time spent on issuing this Order. California Health and Safety Code (hereinafter "CHSC") Section 116577 provides that a public water system must reimburse the State Water Board for actual costs incurred by the State Water Board for specified enforcement actions, including preparing, issuing and monitoring compliance with an order. At this time, the State Water Board has spent approximately two (2) hour(s) on enforcement activities associated with this violation.

The Water System will receive a bill sent from the State Water Board in August of the next fiscal year. This bill will contain fees for any enforcement time spent on the Water System for the current fiscal year.

Any person who is aggrieved by a citation, order or decision issued under authority delegated to an officer or employee of the State Water Board under Article 8 (commencing with CHSC, Section 116625) or Article 9 (commencing with CHSC, Section 116650), of the Safe Drinking Water Act (CHSC, Division 104, Part 12, Chapter 4), may file a petition with the State Water Board for reconsideration of the citation, order or decision.

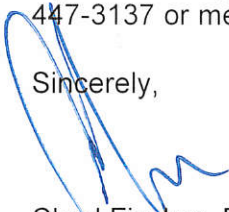
Petitions must be received by the State Water Board within 30 days of the issuance of the citation, order or decision by the officer or employee of the State Water Board. The date of issuance is the date when the Division of Drinking Water mails a copy of the citation, order or decision. If the 30th day falls on a Saturday, Sunday, or state holiday, the petition is due the following business day by 5:00 p.m.

Information regarding filing petitions may be found at:

http://www.waterboards.ca.gov/drinking_water/programs/petitions/index.shtml

If you have any questions regarding this matter, please contact Adam Forbes of my staff at (559) 447-3137 or me at (559) 447-3302.

Sincerely,



Chad Fischer, P.E.
Senior Sanitary Engineer, Visalia District
SOUTHERN CALIFORNIA BRANCH
DRINKING WATER FIELD OPERATIONS

Certified Mail No. 7014 3490 0001 7868 9443

CJF/ATF
Enclosures
cc: Kern County Environmental Health Department

Electronic copy to: McMor Chlorination Inc.

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

Name of Public Water System: M&L Cold Storage Water System

Water System No: 1503653

Attention: Mr. Andrew J. Pandol, Safety Manager

33150 Pond Road

Delano, CA 93215

Issued: March 6, 2019

COMPLIANCE ORDER FOR NONCOMPLIANCE
CALIFORNIA HEALTH AND SAFETY CODE, SECTION 116555 AND
CALIFORNIA CODE OF REGULATIONS, TITLE 22, SECTION 64444

1,2,3-TRICHLOROPROPANE MAXIMUM CONTAMINANT LEVEL VIOLATION
2nd Quarter 2018 Through 4th Quarter 2018

The California Health and Safety Code (hereinafter "CHSC"), Section 116655 authorizes the State Water Resources Control Board (hereinafter "State Water Board"), to issue a compliance order to a public water system when the State Water Board determines that the public water system has violated or is violating the California Safe Drinking Water Act (hereinafter "California SDWA"), (CHSC, Division 104, Part 12,

Chapter 4, commencing with Section 116270), or any regulation, standard, permit, or order issued or adopted thereunder.

The State Water Board, acting by and through its Division of Drinking Water (hereinafter "Division"), and the Deputy Director for the Division, hereby issues Compliance Order No. 03_12_19R_006 (hereinafter "Order"), pursuant to Section 116655 of the CHSC to the M&L Cold Storage Water System (hereinafter "Water System"), for violation of CHSC, Section 116555(a)(1) and California Code of Regulations (hereinafter "CCR"), Title 22, Section 64444, Maximum Contaminant Levels (hereinafter "MCL") – Organic Chemicals.

STATEMENT OF FACTS

The Water System is classified as a non-transient non-community public water system with a population of fifty (50) persons served through one (1) service connection. The M&L Cold Storage Water System operates under Domestic Water Supply Permit No. 03-19-13P-010 issued by the State Water Board on May 20, 2013.

CHSC, Section 116555 requires all public water systems to comply with primary drinking water standards as defined in CHSC, Section 116275(c). Primary drinking water standards include maximum levels of contaminants, specific treatment standards, and monitoring and reporting requirements as specified in regulations adopted by the State Water Board.

CCR, Title 22, Section 64444 Maximum Contaminant Levels – Organic Chemicals states that public water systems shall comply with the primary MCLs established in table 64444-A. The MCL for 1,2,3-Trichloropropane (hereinafter "1,2,3-TCP") is 0.000005 milligrams per liter (hereinafter "mg/L").

DETERMINATION

The State Water Board has determined that the Water System has failed to comply with primary drinking water standards pursuant to CHSC, Section 116555 and the 1,2,3-TCP MCL pursuant to CCR, Title 22, Section 64444.

DIRECTIVES

To ensure that the water supplied by the Water System is at all times safe, wholesome, healthful, and potable, the Water System is hereby directed to take the following actions:

1. By **March 7, 2022**, comply with CCR, Title 22, Section 64444.
2. Quarterly sampling for 1,2,3-TCP from Well No. 1 must begin with the 1st Quarter 2019 and must continue Quarterly thereafter. The analytical result(s) of the sample(s) must be submitted electronically to the State Water Board, by the laboratory, that conducts the analysis, no later than the tenth day of the month following completion of the analyses.
3. By **April 7, 2019**, notify all persons served by the Water System of the violation of CCR, Title 22, Section 64444, in conformance with Sections 64463.4 and 64465. Public notification to the persons served by the Water System shall continue quarterly until the State Water Board determines that the 1,2,3-TCP contamination is resolved. Appendix 1: Notification Template must be used to fulfill this directive, unless otherwise approved by the State Water Board.
 - Posting of the Public Notification in conspicuous places within the area served by the water system. The notice must remain posted for a minimum of seven (7) consecutive days and;

- 1 • By one of the following secondary methods to reach persons not likely to be
2 reached by posting;
 - 3 ➤ By publication in a local newspaper or newsletter distributed to
4 customers, by internet posting of the notice or by direct delivery to each
5 customer served by the Water System. If the water system opts to issue
6 the notice via internet website, the public notice must remain posted for a
7 minimum of seven (7) consecutive days.
- 8
- 9 4. Complete Appendix 2: Certification of Completion of Public Notification Form.
10 Submit it together with a copy of the public notification required by Directive 3 to
11 the State Water Board within 10 days following each public notification. The first
12 certification of completion of public notification form is due by **April 10, 2019**.
- 13
- 14 5. Prepare for State Water Board approval, a Corrective Action Plan, identifying
15 improvements to the water system designed to correct the water quality
16 problems identified as an exceedance of the 1,2,3-TCP MCL and ensure that
17 the Water System delivers water to consumers that meets primary drinking
18 water standards. The plan shall include a time schedule for completion of each
19 of the phases of the project such as design, construction, and startup, and a
20 date as of which the Water System will be in compliance with the 1,2,3-TCP
21 MCL, which date must be no later than **March 7, 2022**.
- 22
- 23 6. By **May 7, 2019**, submit and present the Corrective Action Plan to the State
24 Water Board's office located at 265 W. Bullard Ave., Fresno CA 93704.
- 25
- 26 7. Perform the State Water Board approved Corrective Action Plan, and each and
27 every element of said plan, according to the time schedule set forth therein.
28

- 1 • By one of the following secondary methods to reach persons not likely to be
2 reached by posting;
 - 3 ➤ By publication in a local newspaper or newsletter distributed to
4 customers, by internet posting of the notice or by direct delivery to each
5 customer served by the Water System. If the water system opts to issue
6 the notice via internet website, the public notice must remain posted for a
7 minimum of seven (7) consecutive days.
- 8
- 9 4. Complete Appendix 2: Certification of Completion of Public Notification Form.
10 Submit it together with a copy of the public notification required by Directive 3 to
11 the State Water Board within 10 days following each public notification. The first
12 certification of completion of public notification form is due by **April 10, 2019**.
- 13
- 14 5. Prepare for State Water Board approval, a Corrective Action Plan, identifying
15 improvements to the water system designed to correct the water quality
16 problems identified as an exceedance of the 1,2,3-TCP MCL and ensure that
17 the Water System delivers water to consumers that meets primary drinking
18 water standards. The plan shall include a time schedule for completion of each
19 of the phases of the project such as design, construction, and startup, and a
20 date as of which the Water System will be in compliance with the 1,2,3-TCP
21 MCL, which date must be no later than **March 7, 2022**.
- 22
- 23 6. By **May 7, 2019**, submit and present the Corrective Action Plan to the State
24 Water Board's office located at 265 W. Bullard Ave., Fresno CA 93704.
- 25
- 26 7. Perform the State Water Board approved Corrective Action Plan, and each and
27 every element of said plan, according to the time schedule set forth therein.
- 28

8. By **July 10, 2019**, and every three months thereafter, submit a report to the State Water Board in the form provided as Appendix 3 showing actions taken during the previous quarter (calendar three months) to comply with the Corrective Action Plan.

9. By **March 21, 2022**, demonstrate to the State Water Board that the water delivered by the Water System complies with the 1,2,3-TCP MCL.

10. Notify the State Water Board in writing no later than five (5) days prior to the deadline for performance of any directive set forth herein if the Water System anticipates it will not meet the deadline.

11. By **April 7, 2019**, complete and return to the State Water Board the "Notification of Receipt" form attached to this Order as Appendix 4. Completion of this form confirms that the Water System has received this Order and understands that it contains legally enforceable directives with due dates.

All submittals required by this Order, unless otherwise specified in the directives above, must be electronically submitted to the State Water Board at the following address.

The subject line for all electronic submittals corresponding to this Order must include the following information: Water System name and number, Order number and title of the document being submitted.

Chad Fischer, P.E., Senior Sanitary Engineer
State Water Resources Control Board
Division of Drinking Water, Visalia District
265 W. Bullard Ave, Suite 101
Fresno, CA 93704

Dwpdist12@waterboards.ca.gov

1 The State Water Board reserves the right to make modifications to this Order as it may
2 deem necessary to protect public health and safety. Such modifications may be issued
3 as amendments to this Order and shall be effective upon issuance.

4
5 Nothing in this Order relieves the Water System of its obligation to meet the
6 requirements of the California SDWA (CHSC, Division 104, Part 12, Chapter 4,
7 commencing with Section 116270), or any regulation, standard, permit or order issued
8 or adopted thereunder.

10 **PARTIES BOUND**

11 This Order shall apply to and be binding upon the Water System, its owners,
12 shareholders, officers, directors, agents, employees, contractors, successors, and
13 assignees.

15 **SEVERABILITY**

16 The directives of this Order are severable, and the Water System shall comply with
17 each and every provision thereof notwithstanding the effectiveness of any provision.

19 **FURTHER ENFORCEMENT ACTION**

20 The California SDWA authorizes the State Water Board to: issue a citation or order
21 with assessment of administrative penalties to a public water system for violation or
22 continued violation of the requirements of the California SDWA or any regulation,
23 permit, standard, citation, or order issued or adopted thereunder including, but not
24 limited to, failure to correct a violation identified in a citation or compliance order. The
25 California SDWA also authorizes the State Water Board to take action to suspend or
26 revoke a permit that has been issued to a public water system if the public water
27 system has violated applicable law or regulations or has failed to comply with an order
28 of the State Water Board, and to petition the superior court to take various enforcement

measures against a public water system that has failed to comply with an order of the State Water Board. The State Water Board does not waive any further enforcement action by issuance of this Order.

Tricia Wathen

Tricia A. Wathen, P.E.
Central California Section Chief
State Water Resources Control Board
Division of Drinking Water

March 8, 2019

Date

Appendices 4:

1. Notification Template
2. Certification of Completion of Public Notification
3. Quarterly Progress Report
4. Notification of Receipt



Certified Mail No. 7014 3490 0001 7868 9443

APPENDIX 1. NOTIFICATION TEMPLATE

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Este aviso contiene información muy importante sobre su agua potable, por favor lea el aviso en español si va aquí incluido. Si el aviso en español no va incluido aquí, contacte al sistema de agua para pedir una copia.

M&L Cold Storage Water System water system has levels of 1,2,3-Trichloropropane Above Drinking Water Standards

Our water system recently violated a drinking water standard. Although this is not an emergency, as our customers, you have a right to know what you should do, what happened, and what we are doing to correct this situation.

We routinely monitor for the presence of drinking water contaminants. Testing results from _____ [Insert date(s) or month, year] showed 1,2,3-Trichloropropane (1,2,3-TCP) levels of [level and units]. The standard or maximum contaminant level (MCL) for 1,2,3-TCP is 0.000005 milligrams per liter (5 nanograms per liter, or 5 parts per trillion or 0.005 micrograms per liter (ug/L). The average level of 1,2,3-TCP over the last year was _____ [level and units].

What should I do?

- **You do not need to use an alternative (e.g. , bottled) water supply.**
- This is not an immediate risk. If it had been, you would have been notified immediately. However, *some people who drink water containing 1,2,3-trichloropropane in excess of the MCL over many years may have an increased risk of getting cancer.*
- If you have other health issues concerning the consumption of this water, you may wish to consult your doctor.

What happened? What is being done?

[Describe corrective action] _____
We anticipate resolving the problem within [estimated time frame] _____.

For more information, please contact:

[Name of Contact] _____
[Phone Number] or _____
[Mailing Address] _____

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this public notice in a public place or distributing copies by hand or mail.

Secondary Notification Requirements

Upon receipt of notification from a person operating a public water system, the following notification must be given within 10 days [Health and Safety Code Section 116450(g)]:

- **SCHOOLS:** Must notify school employees, students, and parents (if the students are minors).
- **RESIDENTIAL RENTAL PROPERTY OWNERS OR MANAGERS** (including nursing homes and care facilities): Must notify tenants.
- **BUSINESS PROPERTY OWNERS, MANAGERS, OR OPERATORS:** Must notify employees of businesses located on the property.

This notice is being sent to you by **M&L Cold Storage Water System**.

Date distributed:

APPENDIX 2
CERTIFICATION OF COMPLETION OF PUBLIC NOTIFICATION

Compliance Order Number: 03_12_19R_006

Name of Water System: M&L Cold Storage Water System

System Number: 1503653

Attach a copy of the public notice distributed to the water system's customers.

This form, when completed and sent to dwpdist12@waterboards.ca.gov for the Division of Drinking Water, Visalia District 12, 265 W. Bullard Avenue, Suite 101, Fresno, CA 93704 serves as certification that public notification to water users was completed as required by Title 22, California Code of Regulations, Sections 64463-64465.

Public notification for failure to comply with the **1,2,3-TCP MCL** was conducted on:

Notification was made on _____ (date).

For the following monitoring period: **1st** **2nd** **3rd** **4th** quarter(s) of _____ (year).
(Circle appropriate quarter(s))

To summarize report delivery used and good-faith efforts taken, please check all items below that apply and fill-in where appropriate:

For Community and non-transient non-community public water systems

☐ The notice was distributed by mail or direct delivery to each customer on: _____

One or more of the following methods were used to reach persons not likely to be reached by a mailing or direct delivery or persons served by a transient public water system (renters, nursing home patients, prison inmates, etc.):

☐ Posted the notice at the following conspicuous locations served by the water system. (If needed, please attach a list of locations). _____

☐ Publication of the notice in a local newspaper or newsletter of general circulation (attach a copy of the published notice, including name of newspaper and date published).

☐ Posted the notice on the Internet at www. _____

☐ Other method used to notify customers. _____

I hereby certify that the above information is factual.

Certified by: Printed Name _____ Title _____

Signature _____

Date _____


Disclosure: Be advised that the California Health and Safety Code, Sections 116725 and 116730 state that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the Safe Drinking Water Act may be liable for, respectively, a civil penalty not to exceed five thousand dollars (\$5,000) for each separate violation or, for continuing violations, for each day that violation continues, or be punished by a fine of not more than \$25,000 for each day of violation, or by imprisonment in the county jail not to exceed one year, or by both the fine and imprisonment.

APPENDIX 3: QUARTERLY PROGRESS REPORT

Water System: M&L Cold Storage Water System	Water System No: 1503653
Compliance Order No: 03_12_19R_006	Violation: 1,2,3-TCP MCL
Calendar Quarter:	Date:

This form should be prepared and signed by Water System personnel with appropriate authority to implement the directives of the Compliance Order and the Corrective Action Plan. Please attach additional sheets as necessary. The quarterly progress report must be submitted by the 10th day of each subsequent quarter, to the Division of Drinking Water, Visalia District 12 Office to the following email address: dwpdist12@waterboards.ca.gov titled appropriately.


Summary of Compliance Plan:



Tasks completed in the reporting quarter:

Circumstance	Percentage of respondents (%)
If someone is attacking you	85
If someone is threatening you	75
If someone is harassing you	65
If someone is insulting you	55
If someone is annoying you	45

Tasks remaining to complete:



Anticipated compliance date:

Printed Name

Signature

Title

Date _____

APPENDIX 4– NOTIFICATION OF RECEIPT

Compliance Order Number: 03_12_19R_006

Name of Water System: M&L Cold Storage Water System

System Number: 1503653

Certification

I certify that I am an authorized representative of the M&L Cold Storage Water System and that Compliance Order No. 03_12_19R_006 was received on _____. Further I certify that the Order has been reviewed by the appropriate management staff of the M&L Cold Storage Water System and it is clearly understood that Compliance Order No. 03_12_19R_006 contains legally enforceable directives with specific due dates.

Signature of Water System Representative

Date

**THIS FORM MUST BE COMPLETED AND RETURNED TO THE STATE WATER BOARD,
DIVISION OF DRINKING WATER, NO LATER THAN April 7, 2019**

Disclosure: Be advised that the California Health and Safety Code, Sections 116725 and 116730 state that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the Safe Drinking Water Act may be liable for, respectively, a civil penalty not to exceed five thousand dollars (\$5,000) for each separate violation or, for continuing violations, for each day that violation continues, or be punished by a fine of not more than \$25,000 for each day of violation, or by imprisonment in the county jail not to exceed one year, or by both the fine and imprisonment.